

**UNITED STATES PROBATION OFFICE
FOR THE DISTRICT OF UTAH**

Report on Defendant Under Pretrial Supervision

Name of Defendant: Isaiah Elden Kingston

Docket Number: 2:18CR00365-002

Name of Judicial Officer: Honorable Jill N. Parrish
U.S. District Judge

Date of Release: March 24, 2020

On August 26, 2020, the undersigned officer submitted a Petition and Order for Action on Conditions of Pretrial Release recommending the removal of the conditions of pretrial release as follows:

- Participate in one of the following location restriction program components and abide by its requirements as the pretrial officer instructs.
 - Curfew: You are restricted to your residence every day from 7:00 p.m. to 8:00 a.m.
- Be monitored by the form of location monitoring indicated below and abide by all technology and program requirements.
 - Global Positioning Satellite (GPS) Monitoring.

The recommendation was based on the defendant's high level of compliance and positive performance on supervision. In addition, the location monitoring (Curfew and GPS tracking) conditions appear to be no longer required to meet the least restrictive combination of conditions, to ensure his appearance or him endangering the safety of any other person or the community, pursuant to 18 U.S.C. 3142(c)(1)(B).

The defendant was in pretrial custody from August 23, 2018 to March 24, 2020. He was released under pretrial supervision on March 24, 2020. Since that date he has complied with the conditions of release. He obtained employment quickly and has maintained that position as an account manager for a local trucking company. He returned to his family's house upon his release from custody and has maintained that residence. He has long standing community and familial ties to Utah. He has a wife (who is pregnant) with whom he shares 10 children, all under the age of 12. He also has a minor child from another relationship. His Pretrial Risk Assessment (PTRA) score is 2 which falls within Category 1. The PTRA is an objective, quantifiable instrument that provides a consistent and valid method of predicting risk of failure to appear, new criminal arrest, and technical violations while on pretrial release. Out of a sample size of 181,739 defendants, 29% fell within Category 1, which predicts that 1% will Fail to Appear, 1% will have a New Criminal Arrest, 2% will either Fail to Appear or have a New Criminal Arrest, 1% will commit Technical Violations, and 3% will have either a Failure to Appear, New Criminal Arrest, or Technical Violation. Lastly, other than the instant offense, he has no other criminal history.

On August 17, 2020, this officer sent an electronic mail message to an Assistant United States Attorney (AUSA), in the District of Utah, indicated as one of the attorneys to notice on the court docket. The officer requested that a response providing the Government's position on the matter be provide to the officer by August 24, 2020. The AUSA did not provide a response by August 26, 2020. On August 27, 2020, the Court signed an order removing the location monitoring (Curfew and GPS tracking) conditions.

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On August 28, 2020, Richard M. Rolwing, an attorney with the U.S. Attorney's Office Tax Division in Columbus Ohio, contacted the officer via electronic mail. He expressed concern the officer represented an AUSA did not respond to the request to provide a position as to the removal of the noted conditions. Mr. Rolwing advised the AUSA who was sent the electronic mail message on August 17, 2020, was not a prosecutor in this case, despite being listed as an attorney to be notified on the court docket. Mr. Rolwing and his prosecution team consisting of Arthur J. Ewencyk, Leslie A. Goemaat and John E. Stevens, do not want it to appear they neglected to provide a response and state their position to the Court. The failure to notify Mr. Rolwing and his team was an oversight by this officer, which deprived the government counsel the opportunity to respond. This officer sincerely apologizes for this oversight. This officer defers to the Court on any action that is taken in this matter.

Should the Court have questions regarding this matter or desire additional information please contact the officer, via telephone, at 801-535-2717.

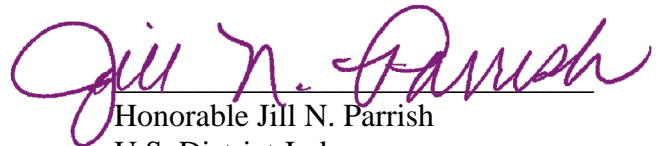
I declare under penalty of perjury that the foregoing is true and correct.



By Zachary C. McBride
U.S. Pretrial Services Officer
Date: August 31, 2020

THE COURT ORDERS:

- ☐ No action For the reasons stated in the Government's brief, ECF No. 1111, the court will not remove
☒ Other: Isaiah's ankle monitor at this time.



Honorable Jill N. Parrish
U.S. District Judge

Date: 9/3/2020